

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-583-MOC-DCK**

TWIST, INC., and BOOM AIR, LLC,

Plaintiffs,

v.

B GSE GROUP, LLC,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on Defendant’s “Motion To Stay Pending Reexamination Proceedings” (Document No. 20) filed April 24, 2020. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

Since the pending motion was filed in April 2020, the parties have filed two (2) joint motions to modify the scheduling order. See (Document Nos. 27 and 29). Those motions have both been granted, including by the Court’s recent Order moving the case deadlines to early 2021. See (Document Nos. 28 and 30). On October 9, 2020, the Honorable Max O. Cogburn, Jr. re-set the Claim Construction/Markman Hearing in this case for March 10, 2021.

Notably, the parties’ most recent motion reports that they are “exploring a global settlement” of both this case and another case pending in Ohio. (Document No. 29). The Court appreciates the parties’ efforts to conserve time and resources and has thus allowed the requested extension of deadlines.

Based on the parties' motions and the Court's scheduling orders, however, the undersigned finds that the pending motion to stay the case is likely moot and should be denied. If the parties' settlement efforts are not fruitful, they should proceed as they jointly proposed and as directed by the Court. (Document No. 30).

IT IS, THEREFORE, ORDERED that Defendant's "Motion To Stay Pending Reexamination Proceedings" (Document No. 20) is **DENIED WITHOUT PREJUDICE**.

Signed: October 19, 2020



David C. Keesler
United States Magistrate Judge

